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5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA

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8 DENNIS MONTGOMERY and the)
9 MONTGOMERY FAMILY TRUST,)
10 Plaintiffs,) 3:06-CV-00056-PMP-VPC
11 vs.) **BASE FILE**
12 ETREPPID TECHNOLOGIES, LLC;)
13 WARREN TREPP; and the)
14 UNITED STATES DEPARTMENT)
15 OF DEFENSE,)
16 Defendants.) 3:06-CV-00145-PMP-VPC
17 AND ALL RELATED MATTERS) **ORDER**
18 _____)

19 Before the Court for consideration is Plaintiffs/Appellants' Certification of
20 Interested Party/Appellee's Designation of Improper Transcripts Pursuant to Ninth
21 Circuit Rule 10-3.1(f) (Doc. #957), filed on February 12, 2009. Interested Party/
22 Appellee Michael Flynn, filed a Response and Request for Sanctions (Doc. #958) on
23 February 19, 2009, and Plaintiffs/Appellants' filed a Reply Memorandum (Doc. #970) on
24 March 2, 2009. Having read and considered the foregoing, together with Appellee's Initial
25 Request to Appellant to Designate Transcripts (Doc. #949) filed February 1, 2009, and good
cause appearing, the Court finds as follows:

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1 1. This Court has jurisdiction to resolve the matters raised by the
2 Certification of Appellee's Designation of Improper Transcripts (Doc. #957).

3 2. Although the transcripts and minutes of the proceedings specified by
4 Interested Party/Appellee from *In The Matter of The Search of 12720 Buckthorn*
5 *Lane, Reno Nevada*, District Court Case No. 3:06-cv-00263-PMP-VPC ("Buckthorn
6 Matter") were not lodged with the Court in the consolidated proceedings under Base
7 File 3:06-cv-00056-PMP-VPC, the Buckthorn Matter proceedings in several respects
8 were intertwined with the proceedings which occurred in the matter now on appeal
9 herein. Thus the designations of transcripts and minutes made by Interested
10 Party/Appellee Flynn are warranted.

11 **IT IS ORDERED** that Plaintiffs/Appellants' Certification of Interested
12 Party/Appellee's Designation of Improper Transcripts Pursuant to Ninth Circuit Rule
13 10-3.1(f) (Doc. #957) is DENIED, and that Plaintiffs/Appellants shall bear the cost
14 of preparing such matters designated.

15 **IT IS FURTHER ORDERED** that Interested Party Michael Flynn's
16 Request for Sanctions (Doc. #958) is DENIED.

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18 DATED: March 23, 2009.



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20 PHILIP M. PRO
21 United States District Judge
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